

Wesley Lambert
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2012 APR -4 AM 9:18
NORTHERN DISTRICT OF OHIO
CLEVELAND

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HODEL-NATCO INDUSTRIES, INC.]	
]	
Plaintiff,]	CASE NO. 1:08 cv 2755
VS.]	JUDGE: LESLEY WELLS
SAP AMERICA, INC., et al.]	
]	
Defendants.	_____]	

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO LETTERS ROGATORY**

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION PRESENTS ITS COMPLIMENTS TO THE APPROPRIATE
JUDICIAL AUTHORITY OF ISRAEL, AND REQUESTS INTERNATIONAL JUDICIAL
ASSISTANCE TO EFFECT SERVICE OF PROCESS TO BE USED IN A CIVIL
PROCEEDING BEFORE THIS COURT IN THE ABOVE CAPTIONED MATTER. THE
SPECIFIC REQUEST IS FOR THE TAKING OF A DEPOSITION OF AN INDIVIDUAL
WHO RESIDES IN ISRAEL.. A TRIAL IN THIS MATTER IS CURRENTLY
SCHEDULED FOR DECEMBER 3, 2012.

SENDER:

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION
801 WEST SUPERIOR AVENUE
CLEVELAND, OH 44113 USA

CENTRAL AUTHORITY OF THE REQUESTED STATE:

THE DIRECTOR OF COURTS
DIRECTORATE OF COURTS
LEGAL ASSISTANCE TO FOREIGN COUNTRIES
22 KANFEI NESHARIM
POB 34142
JERUSALEM 95464, ISRAEL

PERSON TO WHOM WRITTEN RESPONSES, IF ANY, ARE TO BE MADE:

CLERK OF THE COURT
THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION
801 WEST SUPERIOR AVENUE
CLEVELAND, OH 44113 USA

COUNSEL'S NAME, ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS:

P. WESLEY LAMBERT, ESQ.

KOEHLER NEAL, LLC

3330 ERIEVIEW TOWER
1301 EAST NINTH STREET
CLEVELAND, OH 44114 USA
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EMAIL: WLAMBERT@KOEHLERNEAL.COM

**SPECIFICATION OF THE DATE AND LOCATION WHERE THE DEPOSITION
IS TO BE TAKEN:**

AUGUST 30, 2012 AT 9:00 A.M. @ DAVID INTERCONTINENTAL HOTEL
12 KAUFMAN STREET
TEL AVIV 61501, ISRAEL

ALTERNATE LOCATION:

TEL AVIV, HERTZELIA PITUACH – ACKERSTEIN TOWERS
11 HAMENOFRIM STREET
ACKERSTEIN TOWER B
HERTZELIA PITUACH
ISRAEL, 46120

REASON FOR URGENCY: IT IS NECESSSARY FOR PLAINTIFF TO OBTAIN
TESTIMONY FROM THE WITNESS PRIOR TO TRIAL.

NAMES OF THE CASE AND IDENTIFYING CASE NUMBER: HODEL-NATCO
INDUSTRIES, INC. VS. SAP AMERICA, INC., et al., CASE NUMBER: 1:08 cv 2755.

NAMES AND ADDRESS OF THE PERSON TO BE DEPOSED:

UDI ZIV

8 HAPNINA STREET
43107 RA'ANANA, ISRAEL

WITNESS IS WILLING TO BE DEPOSED: UNKNOWN.

METHOD OF TAKING DEPOSITION: ORAL QUESTIONS PRESENTED BY ATTORNEY WITH STENOGRAPHER AND VIDEO TAPING. BREAKS WILL BE GIVEN AT ANY TIME REQUESTED BY THE DEPONENT.

NATURE OF THE PROCEEDINGS:

CIVIL COMPLAINT ALLEGING BREACH OF CONTRACT, FRAUD, AND MISREPRESENTATION BY SAP AMERICA, INC., SAP A.G., AND OTHERS, IN THE SALE OF BUSINESS SOFTWARE TO PLAINTIFF HODELL-NATCO INDUSTRIES, INC.

NUMBER OF PEOPLE ATTENDING THE DEPOSITION: FIVE (5)

PURPOSE OF THE EVIDENCE SOUGHT:

TO INQUIRE ABOUT THE WITNESS'S KNOWLEDGE RELATING TO THE SOFTWARE'S CAPABILITIES AND THE SALE OF THE SOFTWARE TO THE PLAINTIFF.

REQUEST:

THIS COURT REQUESTS THE ASSISTANCE DESCRIBED HEREIN AS NECESSARY IN THE INTERESTS OF JUSTICE. THE ASSISTANCE REQUESTED IS THAT THE APPROPRIATE JUDICIAL AUTHORITY OF ISRAEL MAKES SERVICE

OF PROCESS OF THE SUBPOENA FOR VIDEOTAPED DEPOSITION UPON THE
BELOW NAMED PERSON AS A WITNESS IN A CIVIL PROCEEDING.

THAT THE APPROPRIATE JUDICIAL AUTHORITY OF ISRAEL ASSIST
WITH INTERNATIONAL JUDICIAL ASSISTANCE TO EFFECT SERVICE OF
PROCESS UPON **UDI ZIV** TO BE USED IN A CIVIL PROCEEDING BEFORE THIS
COURT.

RECIPROCITY:

THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OHIO,
EASTERN DIVISION EXPRESSES A WILLINGNESS TO PROVIDE SIMILAR
ASSISTANCE TO JUDICIAL AUTHORITIES OF ISRAEL.

REIMBURSEMENT FOR COSTS:

THE ATTORNEYS FOR PLAINTIFF, KOEHLER NEAL, LLC, EXPRESS A
WILLINGNESS TO REIMBURSE THE JUDICIAL AUTHORITIES OF ISRAEL FOR
COSTS INCURRED IN EXECUTING THE REQUESTING COURT'S LETTER OF
REQUEST.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court issue a Letter Rogatory as prayed for herein.


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ATTORNEY FOR PLAINTIFF